City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	**Chia Residence**
Proposal Address:	**15310 SE 38th PL Bellevue, WA 98006**
Proposal Description:	Critical Areas Land Use Permit approval to replace a single-family residential deck and patio with a 280 square-foot residential addition within a 50-foot steep slope critical area buffer. The proposal is supported by a critical areas report, geotechnical report, and a mitigation plan.
File Number:	**20-110916-LO**
Applicant:	**Heidi Schmitten, Schmitten Design**
Decisions Included:	**Process II**
Planner:	**David Wong, Land Use Planner**
State Environmental Policy Act Threshold Determination:	**Exempt**
Department Decision:	**Approval with Conditions**

Heidi Bedwell, Planning Manager

Elizabeth Stead, Land Use Director
Development Services Department

Application Date:	June 29, 2020
Notice of Application Publication Date:	August 6, 2020
Decision Publication Date:	June 3, 2020
Appeal Deadline:	June 17, 2020

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

CONTENTS

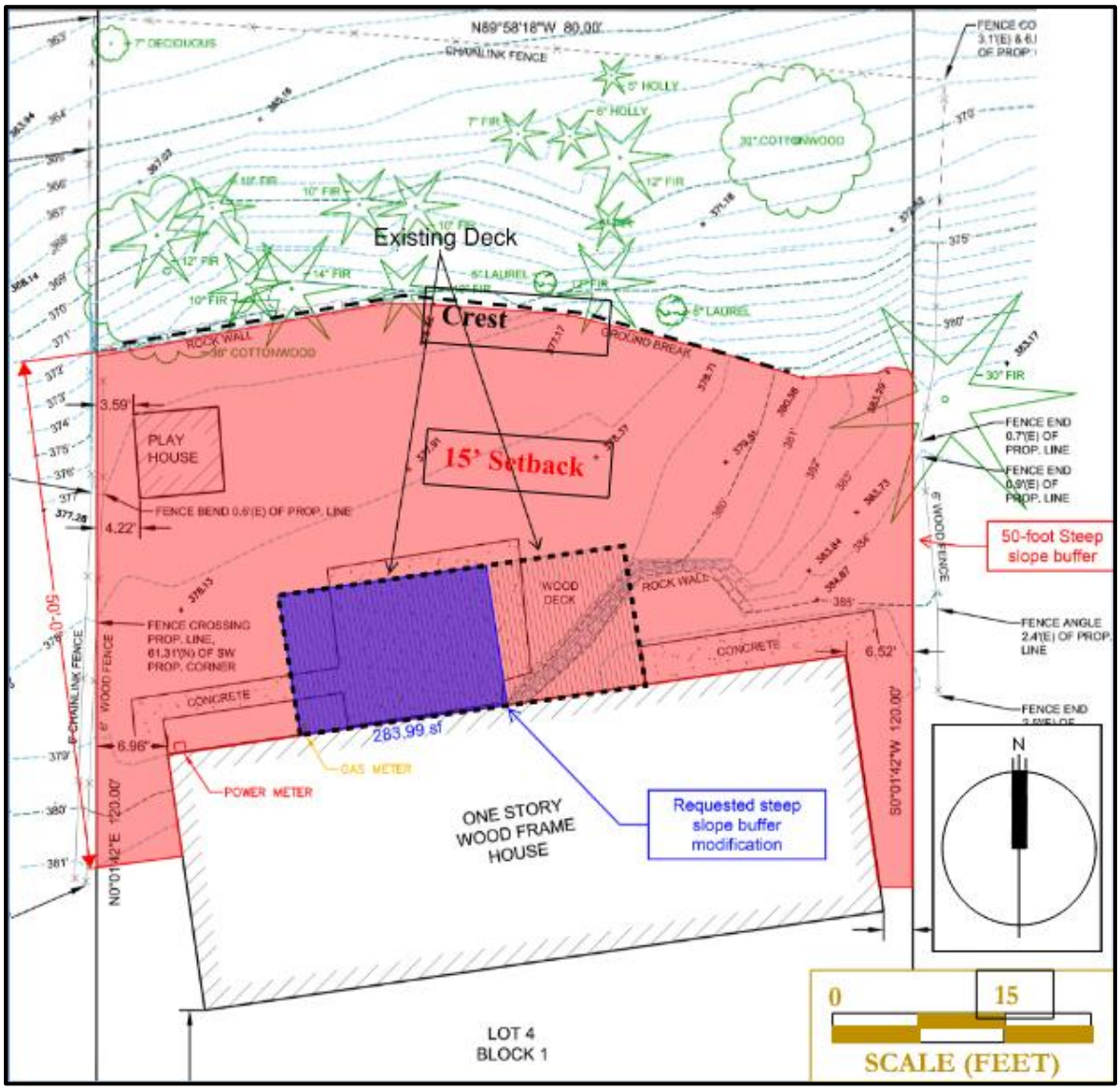
Attachments

1. Site Plan
2. Critical Areas Report & Addendum – Land Services NW (in file)
3. Geotechnical Engineering Study & Addendum – Quality GEO (in file)

I. Request & Review Process

The applicant has requested a Critical Areas Land Use Permit approval to replace an existing patio and deck with 280 square-foot residential addition. The existing patio and deck are located within a 50-foot steep slope buffer and the proposed addition requests modification of the 50-foot steep slope buffer. The proposal includes approximately 1,385 square feet of steep slope mitigation and enhancement planting to improve degraded slope conditions. See Figure 1 for proposed site conditions.

Figure 1



Proposals to permanently modify a steep slope buffer require the approval of a Critical Areas Land Use Permit (CALUP) with Critical Areas Report (CAR), and are subject to the requirements of LUC 20.25H and 20.30P, including but not limited to those sections governing steep slopes, Critical Areas Reports (CAR), and mitigation.

II. Site, Zoning, and Land Use Context and Critical Areas Functions and Values

A. Site Context

The subject lot is approximately 9,600 square-feet in size and is currently developed with a single-family residence (*circa* 1954), existing deck, and patio. A steep slope critical area with a north-facing aspect is located between the existing single-family residence and SE 38th St to the north. The site contains a variety of native and non-native vegetation, including but not limited to black cottonwood (*Populus trichocarpa*), Douglas-fir (*Pseudotsuga menziesii*), English ivy (*Hedera helix)*, non-native grass, and ornamental shrubs. Lack of native vegetation coverage and location of existing single-family residential improvements have been identified within the steep slope and steep slope buffer. The soils of this site have been identified as Alderwood Material (AmC) and Alderwood and Kitsap soils (AkF) according to mapping provided by the Natural Resources Conservation Service (NRCS). See Figure 2 below for the current site**.**

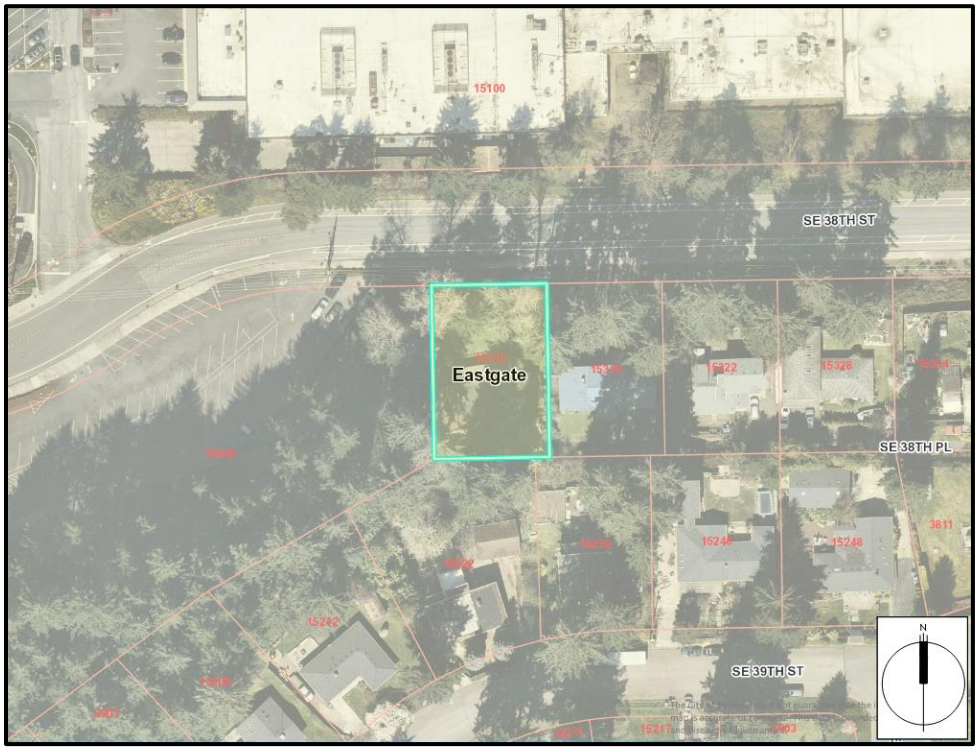
Figure 2

B. Zoning and Subarea

The property is zoned R-5 (Single-Family Residential) and is located within the Eastgate subarea. See Figure 3 for zoning map and Figure 4 for subarea information.

Figure 3

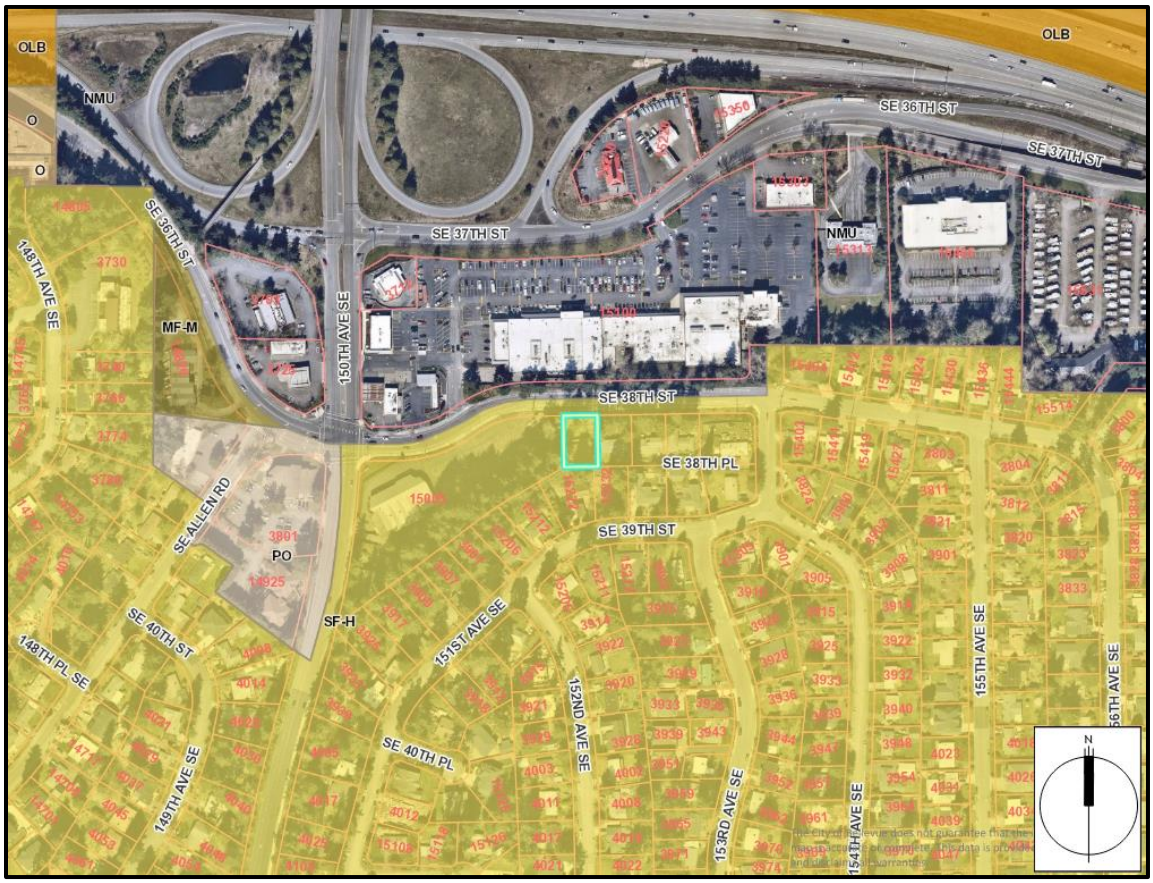
Figure 4



C. Comprehensive Plan and Land Use Context

The site and the surrounding residential lots to the east, west, and south have a Comprehensive Plan designation of Single-Family High Density (SF-H). Areas of Neighborhood Mixed Use (NMU) border the site to the north, and smaller areas of Professional Office (PO) and Multi-Family Medium Density (MF-M) are located in the vicinity to the west. See Figure 5 for Comprehensive Plan designation.

Figure 5



D. Critical Areas Functions and Values

i. Steep Slopes and Geologic Hazards

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and

important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provides a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located within the R-5 zoning district. All zoning dimensional standards will be confirmed during review of the required building permit.

Basic Information			
Zoning District	R-5		
Gross Lot Area	9,600 square feet		
Dimensional Requirement	**Standard**	**Proposed**	**Complies?**
Front Yard Structure Setback (feet)	20	20	Complies
Rear Yard Structure Setback (feet)	20	20	Complies
Side Yard Structure Setback (feet)	5	2.86	Complies. Legally non-conforming structure for side yard setback. No greater increase in non-conformity proposed.*
Combined Side Yard Structure Setback (feet)	15	9.82	Complies. Legally non-conforming structure for combined side yard setback. No greater increase in non-conformity proposed.*
Maximum Lot Coverage (percent)	40	26.42	Complies
Maximum Impervious Surface (percent)	55	47	Complies

** Fair market value estimate of the existing structure and proposed addition to be supplied at time of Building Permit application to verify compliance with non-conformity regulations of LUC 20.20.560. See Section X for Conditions of Approval related to non-confirming structures.*

B. Consistency with Land Use Code Critical Areas Performance Standards:

i. Steep Slope Performance Standards – 20.25H.125

Development on sites with steep slopes or steep slope critical area buffers shall incorporate the following performance standards, as applicable:

1. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;

No topographic modifications are proposed in the steep slope or steep slope buffer. The proposed addition will be located in an area currently occupied by an at-grade patio and second floor deck.

2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

The proposed addition is located within a degraded buffer area where single-family improvements and development currently exist. No permanent development impacts are proposed within the steep slope or within areas of native vegetation in the steep slope buffer. The proposal includes improvements to the steep slope and steep slope buffer through installation of native vegetation where low vegetative coverage exists or where non-native, invasive vegetation is located.

3. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

Geotechnical analysis found the proposal to have "*… no impact or reduction to existing slope stability or factor of safety conditions is expected.*" (Attachment 3, pg. 4) provided the recommendations stated in the report are followed. A hold harmless agreement will be required to be submitted under the Building Permit application. <u>See Section X for Conditions of Approval related to the hold harmless agreement</u>.

4. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;

No changes in topography or installation of retaining walls are proposed.

5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;

The proposal has been designed to utilize an area where a concrete patio currently exists and would result in an increase of 55 square feet of impervious surface within the outer limits of the steep slope buffer where degraded conditions are present.

6. **Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;**
   No change in grade outside of the proposed addition footprint is proposed.

7. **Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;**
   No retaining structures (walls, rockeries, etc.) are proposed.

8. **On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;**
   No construction is proposed on or over slopes in excess of 40%.

9. **On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and**
   No parking or garages over slopes in excess of 40% are proposed.

10. **Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.**
    The proposal includes approximately 1,385 square feet of native vegetation to be planted as mitigation for the 280 square-foot addition. Final mitigation plans and details will be reviewed under the Building Permit to determine conformance with the conceptual plans provided in this application. A temporary restoration plan for areas outside of the footprint to be disturbed during the construction process will need to be included in the Building Permit application materials for review. See Section X for Conditions of Approval related to mitigation and restoration plans.

C. Consistency with Critical Areas Report LUC 20.25.230.

The applicant supplied a complete critical areas report prepared by Land Services Northwest and Quality Geo, qualified professionals (Attachment 2 & 3). The reports met the minimum requirements in LUC 20.25H.250.

IV. Public Notice and Comment

Application Date:	June 29, 2020
Public Notice (500 feet):	August 6, 2020
Minimum Comment Period:	August 20, 2020

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on August 6, 2020. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

V. Summary of Technical Reviews

Clearing and Grading:
The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development. The geotechnical engineer will be responsible for reviewing the Building Permit plans prior to submittal; will need to provide a memo verifying compliance with the recommendations of the report; and will need to conduct on-site inspections to verify work is completed per recommendations. Work within proximity to the steep slope will be restricted during the rain season unless specifically allowed by Clearing & Grading approval through implementation of specific BMPs. See Section X for Conditions of Approval related to geotechnical review, inspections, and rainy season restrictions.

Utilities:
City of Bellevue Utilities staff has reviewed the proposed development for compliance with City of Bellevue Utilities codes and standards. Utilities staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

Per BCC 22.02.032 and WAC 197-11-800 (1) construction of a single-family residence is a categorically exemption.

VII. Changes to Proposal as a Result of City Review

No significant changes were requested by City staff during the review of this proposal.

VIII. Decision Criteria

A. Critical Areas Report Decision Criteria - Proposals to Reduce Regulated Critical Area Buffer LUC 20.25H.255.

The Director may approve, or approve with modifications, a proposal to reduce the

regulated critical area buffer on a site where the applicant demonstrates:

1. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in overall critical area or critical area buffer functions;

Finding: The proposal includes a mitigation plan to improve documented degraded conditions within the steep slope critical area through the removal of invasive groundcover and shrubs and the installation of native plant species suitable for steep slopes and steep slope buffers. The mitigation plan will result in greater species diversity and vegetative structure of the steep slope; increased habitat opportunities; slowed stormwater movement within the steep slope, and improved water quality.

2. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in the most important critical area or critical area buffer functions to the ecosystem in which they exist;

Finding: The proposed mitigation will provide increased native vegetation coverage, including in the lower portions of the steep slope that have little vegetative coverage, to help protect the slope for erosion through greater soil holding capacity and slower stormwater movement. In addition to safety improvements through revegetation, improved species diversity and vegetative structure will improve habitat opportunities typically found in steep slope and steep slope buffers in the region.

3. The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside of the reduced regulated critical area buffer;

Finding: As discussed above, increased native coverage within areas of the steep slope where vegetative coverage and/or structure will help to provide greater stormwater quality that is discharged from the site by slowing the speed at which it travels through the steep slope and by functioning as a filter for sediment and other particles that would otherwise be transported off-site in the direction of the natural drainage pattern.

4. Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;

Finding: The project includes maintenance and monitoring standards for the areas of new mitigation planting. In addition to the mitigation planting and standards, an assurance device equal to 100% of the materials and installation cost or 20% of the maintenance and monitoring contract for 5 years will be required to be submitted under the Building Permit application to ensure completion of work. See Section X for Conditions of Approval related to assurance devices.

5. The modifications and performance standards included in the proposal are not

detrimental to the functions and values of critical area and critical area buffers off-site; and

Finding: Degraded conditions have been documented on- and off-site on the adjacent parcels through existing residential development, lack of native vegetative coverage and structure, and the presence of non-native species. The proposal will lead to greater levels of function for the steep slope and steep slope buffer over what currently exist, and which would continue to exist if the proposal were denied, by mitigating the 280 square-foot addition at a ratio of 4.95 to 1 with native planting and invasive species removal.

6. The resulting development is compatible with other uses and development in the same land use district. (Ord. 5680, 6-26-06, § 3)

Finding: The proposed addition to the existing single-family structure does not change the use of the site, and the site will continue to maintain compatibility with the residential uses to the east, south, and west.

B. Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

1. The proposal obtains all other permits required by the Land Use Code;

Finding: The applicant will be required to apply for a Building Permit (with Clearing & Grading review) after the approval of the Critical Areas Land Use Permit. See Section X for Conditions of Approval related to Building Permit requirements.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

Finding: The proposal is designed to utilize area of the site in which an existing deck and concrete patio currently occupy, and results in a net increase of impervious coverage within the buffer to approximately 55 square feet. The portion where the increased impervious surface and structural coverage will occur contains degraded buffer conditions, and functions currently as a lawn area made up of non-native grasses.

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;

Finding: As discussed in Section III.B of this report, the proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

Finding: The site is currently served by adequate public facilities and no additional need is anticipated with this proposal.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and

Finding: The proposal includes a mitigation plan that provides native planting consistent with LUC 20.25H.210. The plan also contains a five-year maintenance and monitoring plan to ensure successful establishment of installed planting. See Section X for Conditions of Approval related to mitigation.

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in Section III and V of this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the proposal to construct a 280 square-foot residential addition within the 50-foot steep slope buffer at 15310 SE 38th Pl as shown on the proposed plans (Attachment 1).

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Building Permit, Clearing and Grading Permit, or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code - BCC 23.76	Savina Uzunow, 425-452-7860
Utilities Code – BCC 24	Jeremy Rosenlund, 425-452-7683
Land Use Code- BCC 20	David Wong, 425-452-4282

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

1. Building Permit Required: Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A Building Permit shall be required and approved. Plans consistent with those submitted as part of this permit application shall be included in the Building Permit application.

Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Land Use

2. Non-Conforming Structures: A fair market value estimate of the proposed work and of the existing structure shall be provided at the time of the Building Permit application to verify compliance for value limits on improvements for non-conforming structures.

Authority: Land Use Code 20.20.560
Reviewer: David Wong, Land Use

3. Geotechnical Analysis: The project geotechnical engineer must review the final construction plans, including all foundation designs. A letter from the geotechnical engineer stating that the plans conform to the recommendations in the geotechnical report and any addendums and supplements must be submitted to the clearing and grading section prior to issuance of the construction permit.

Authority: Land Use Code 20.25H.125
Reviewer: David Wong, Land Use

4. Hold Harmless Agreement: Prior to building permit approval, the applicant or property owner shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with the steep slope buffer modification. The agreement must meet city requirements and must be reviewed by the City Attorney's Office for formal approval.

Authority: Land Use Code 20.30P.170
Reviewer: David Wong, Land Use

5. Mitigation Plan: A final mitigation plan in accordance with the conceptual mitigation plan provided under this application shall be submitted for review and approval by the City of Bellevue prior to issuance of the Building Permit

Authority: Land Use Code 20.25H.125
Reviewer: David Wong, Land Use

6. Restoration Plan: A restoration plan shall be provided with the Building Permit application materials for areas of temporary disturbance that will occur outside of the proposed addition footprint.

Authority: Land Use Code 20.25H.125
Reviewer: David Wong, Land Use

7. Maintenance & Monitoring: A maintenance & monitoring plan in conformance with the plan submitted under this application shall be submitted for review and approval by the City of Bellevue prior to issuance of the Building Permit. The mitigation plan shall be maintained and monitored for a minimum of five (5) years. Annual reporting shall be submitted at the end of each growing season or by December 1 for each of the five years this plan is applicable. All reporting shall be submitted by email to **dwong@bellevuewa.gov**. or by mail to:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.25H.220.D, 20.25H.220.H
Reviewer: David Wong, Land Use

8. Maintenance and Monitoring Assurance Device: A financial surety is required to be submitted to ensure the mitigation planting successfully establishes. A maintenance assurance device that is equal to 100% of the cost of plants and installation, or 20% of the cost of a 5-year maintenance and monitoring contract is required to be held for a period of five years from the date of building permit issuance. A cost estimate is required to be provided with the building permit. The financial surety is required to be posted prior to building permit issuance. Release of the surety after the 5-year monitoring period is contingent upon a final inspection of the planting by Land Use Staff that finds the maintenance and monitoring plan was successful and the mitigation meets performance standards.

Authority: Land Use Code 20.25H.220.F
Reviewer: David Wong, Land Use

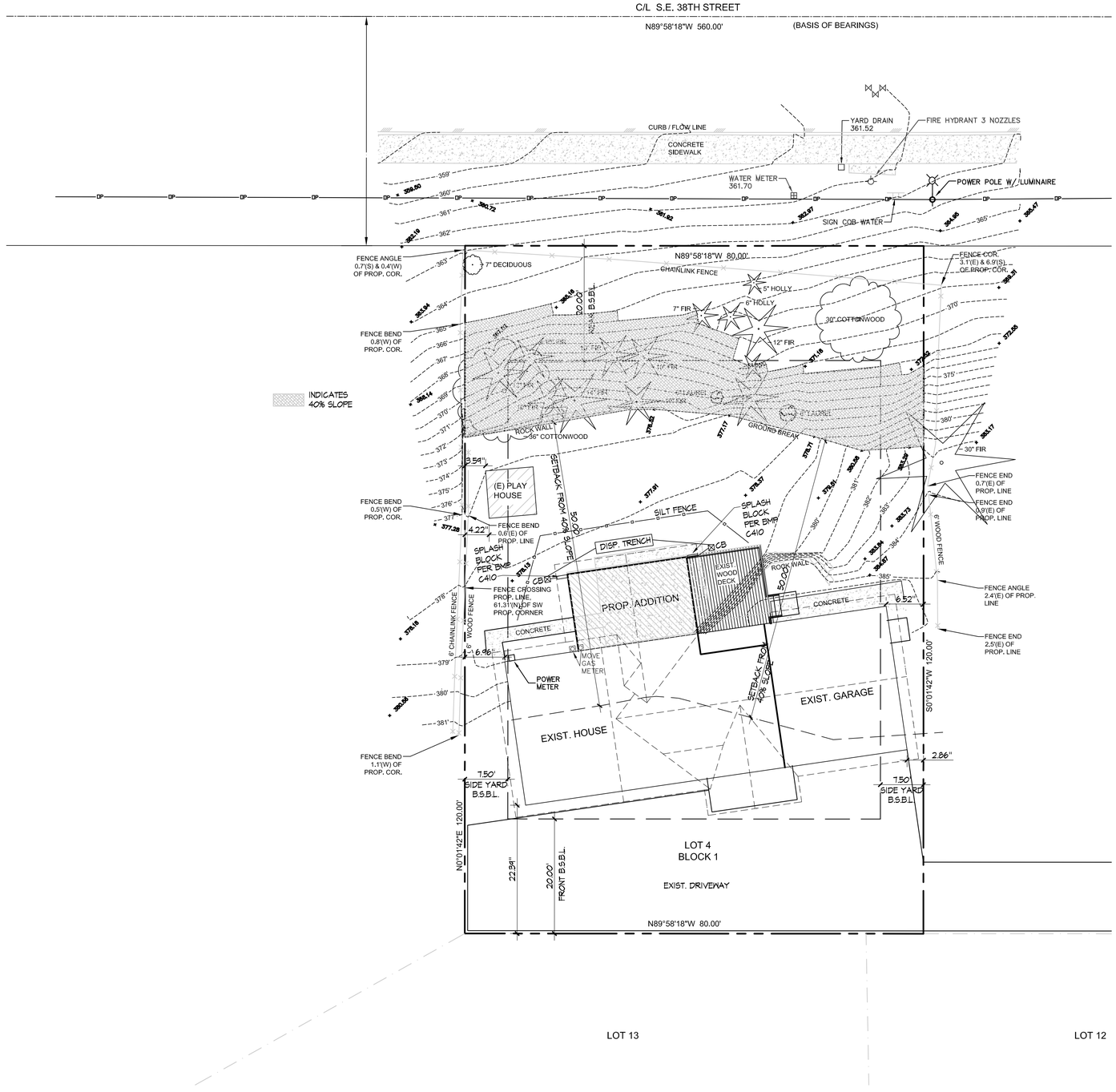
9. Geotechnical Inspection: The project geotechnical engineer must provide geotechnical inspection during project construction, including subgrades for foundations and footings, and any unusual seepage, slope, or subgrade conditions.

Authority: Bellevue City Code 23.76.050
Reviewer: Savina Uzunow, Clearing & Grading

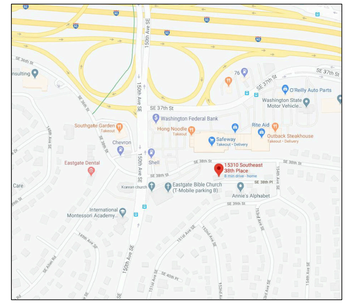
10. Rainy Season restrictions: Due to the proximity of working occurring and the presence of a steep slope on-site, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy

season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,
Reviewer: Savina Uzunow, Clearing & Grading



VICINITY MAP



LEGAL DESCRIPTION

EASTGATE ADDITION DIVISION B, BLOCK 1, LOT 4
PARCEL #: 220150-0020

CITY OF BELLEVUE NAVD 88 DATUM:
VERTICAL BENCHMARK 899

GREENSCAPE	
GREENSCAPE AREA FRONT YARD AREA	2,018 SQ. FT. 50.0%
MIN. GREENSCAPING REQUIRED	132 SQ. FT.
GREENSCAPING PERCENTAGE (%)	6.5%

TREE RETENTION	
TOTAL DIAMETER OF EXISTING SIGNIFICANT TREES	271"
TOTAL DIAMETER OF TREES TO BE REMOVED	0"
TOTAL DIAMETER OF TREES TO BE RETAINED	100%
PERCENT OF TREE DIAMETER RETENTION REQ'D	30.0%
PERCENT OF PROPOSED TREE DIAMETER RETENTION	100%

LOT COVERAGE	
BUILDING FOOTPRINT w/ GARAGE	1,921 SQ. FT.
FRONT PORCH	90 SQ. FT.
DECK	128 SQ. FT.
PLAY HOUSE	69 SQ. FT.
TOTAL LOT COVERAGE	2,208 SQ. FT.
LOT AREA	9,600 SQ. FT.
LOT AREA MINUS CRITICAL AREA (1,242 S.F.)	8,358 SQ. FT.
PERCENTAGE OF LOT COVERAGE	26.42%
MAX PERCENTAGE ALLOWED	40.00%

IMPERVIOUS COVERAGE	
ROOF AREA (INCLUDING EAVES)	2,475 SQ. FT.
DRIVEWAY	1,834 SQ. FT.
REAR WALKWAYS (39 + 57 + 6)	102 SQ. FT.
DECK	128 SQ. FT.
TOTAL IMPERVIOUS AREA	4,539 SQ. FT.
LOT AREA	9,600 SQ. FT.
PERCENTAGE OF IMPERVIOUS	47.28%
TOTAL IMPERVIOUS ALLOWED	55.00%

NORTH

SITE PLAN B

SCALE: 1" = 10'-0"

SCHMITTEN DESIGN
Schmitten Design, LLC
Heidi Schmitten
heidischmitten@gmail.com
425.765.3878

Chia Residence
15310 SE 38th PL
Bellevue, WA 98006

Issued	Date
Permit Plans	6/29/20
2 B.D. Revisions	8/21/20

20-032

A1.2

SITE PLAN B